

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Senior Judge Wiley Y. Daniel

Civil Action No. 15-cv-02026-WYD

WILDEARTH GUARDIANS,

Plaintiff,

v.

SALLY JEWELL, in her official capacity as U.S. Secretary of the Interior,
U.S. DEPARTMENT OF THE INTERIOR, and
U.S. OFFICE OF SURFACE MINING AND RECLAMATION,

Defendants.

ORDER

Daniel, J.

THIS MATTER comes before the Court on an action under the Administrative Procedure Act involving multiple coal mining decisions by the Federal Defendants affecting coal operations in Colorado, Wyoming, and New Mexico.

Under the Court's local rules of practice, D.C.COLO.LAPR 1.1. *et seq.*, the AP judge manages an administrative appeal through briefing, after which it is returned to the Clerk's Office to be drawn to a judge like any other civil case under D.C.COLO.LCiv.R 40.1.

On September 15, 2015, this case was assigned to me as the AP judge. In an attempt to expeditiously move this case along, I ordered the parties to submit a proposed Joint Case Management Plan ("JCMP"), which was finalized and issued on October 20, 2015. (ECF No. 8). In November, multiple motions to intervene were filed

along with the Federal Defendants' Motion to Sever and Transfer this Action. Based on my review of the pending motions, this matter is replete with disputed procedural and substantive issues related to the motions to intervene and the Federal Defendants' request for transfer and severance. I find that resolution of the issues raised in the pending motions, coupled with the fact that this case was filed more than 4 months ago, would significantly impact the calendar of the assigned merits judge. Accordingly, I believe that I should refrain from resolving such issues to avoid binding the merits judge to a schedule or ruling which he or she may decide differently.

For the foregoing reasons, this case is REMITTED to the Clerk for immediate random assignment to a merits judge under D.C.COLO.LCiv.R 40.1.

Dated: January 20, 2016

BY THE COURT:

/s/ Wiley Y. Daniel
WILEY Y. DANIEL,
SENIOR UNITED STATES DISTRICT JUDGE